

REMARKS/ARGUMENTS

Claims 1-14 are pending in the application and have been amended; reexamination and reconsideration are hereby requested.

The Office Action mailed 07/03/2006 (in response to applicant's Appeal Brief filed 04/06/2006) reopened prosecution and added a new ground of rejection (112) to the prior two grounds of rejection (103s with van der Salm, Barkat, and Flannery). The Office Action also deemed these rejections to be final rejections because "Applicant's amendment necessitated the new ground of rejection presented in the Office action."

Applicant hereby requests withdrawal of the finality of the 112 rejection as premature; the Appeal Brief filed 04/06/2006 did not amend the claims and did not necessitate the 112 rejection. Consequently, applicant is treating the Office Action as non-final and responding to the new 112 rejection plus repeating the arguments of the Appeal Brief with respect to the two 103 rejections.

Claims 1-14 were rejected as failing the written description requirement with respect to the "... corresponding ... template" phrase of independent claims 1 and 10.

Applicant replies that the independent claims have been amended to delete the phrase.

Claims 1, 4-10, and 13-14 were rejected as unpatentable over van der Salm in view of Barkat; the Examiner combined van der Salm for audio caller identification and with Barkat for voice-activated dialing.

Applicant replies that there is no suggestion in either van der Salm or Barkat for combination of the two ideas. In particular, van der Salm primarily discloses conversion of incoming caller identification information into a distinctive ring tone; only one paragraph (page 9, lines 17-28) of van der Salm notes "Particularly in large networks, it may be difficult to distinguish between different music or audio ringing sounds uniquely identifying the calling party. In such case another embodiment ... in which the ringing sound takes the form of a voice signal outputting the name of the calling party or the type of call, for example." Indeed, van der Salm emphasizes the algorithmic conversion of caller

identification information into ring tones to avoid a large memory containing ring tones, and this counters any suggestion that a name recognition database (as in Barkat) should be combined with van der Salm. In fact, Barkat is a voice-activated ("hands-free") dialing accessory which can be attached to an existing phone and which outputs dialing signals to the existing phone (Barkat column 3, lines 44-48). Thus there is no possibility of any caller identification of the existing phone using the voice-activated calling database of the accessory.

Consequently, the references do not suggest either of the independent claims 1 and 10; and thus the claims are patentable over the references.

Claims 2-3 and 11-12 were rejected as unpatentable over van der Salm in view of Barkat and Flannery.

Applicant relies upon the patentability of parent independent claims 1 and 10. Consequently, the claims are patentable over the references.

Respectfully submitted,

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